

MINUTES
BOARD OF EXAMINERS
OF CONSTABLES
MEETING
THURSDAY
MAY 24, 2018
10:00 A.M.
TATNALL BUILDING
150 MARTIN L. KING, JR. BOULEVARD SOUTH
ROOM 112
DOVER, DE

I. Call to Order

Lt. Col. Hudson called the meeting to order at 1008 hours. The meeting was recorded and the Professional Licensing Section will maintain the records.

Introductions were made around the table of the Board members, Staff and the guests in attendance.

The following members of the Board of Examiners were in attendance:

Lieutenant Colonel Monroe B. Hudson, Jr.
Chief William E. Bryson
Mr. John F. Tharan

The following members of the Board of Examiners were absent:

Ralph K. Durstein, III, Esquire
Captain Diane Smith

The following staff members were in attendance:

Lieutenant Kerry B. Reinbold – Professional Licensing Section
Ms. Peggy L. Anderson – Professional Licensing Section
Mr. Christopher J. Scott – Professional Licensing
Mr. Michael Terranova – DTCC Representative

The following staff members were absent:

Rae Mims, Esquire – Legal Counsel
Captain S. Benjamin Parsons – State Bureau of Identification
Sergeant Dana M. Berry – Professional Licensing Section

The following guests were in attendance:

Mr. Alan Ellingsworth
Mr. Martin Cosgrove – out @ 1052
Mr. Walter Beaupre – out @ 1129
Ms. Angela Fowler – out @ 1129
Mr. A. J. Nowell
Mr. John G. Selvaggi
Mr. Michael A. Fontello
Mr. Mike McGee – out @ 1129
Mr. Courtney Hutt – out @ 1130
Mr. Joe Aviola
Mr. Mark Dufendach
Chief Robert Kracyla
Ms. Heather Schall – out @ 1129
Ms. Belinda Burke – out @ 1120
Mr. Lloyd Stafford – out @ 1129
Mr. Tim Winstead
Mr. Jeff Hale – in @ 1031 – out @ 1131
Mr. Mark Albert – out @ 1052 – No Signature

II. Review and Acceptance of Minutes

A. December 14, 2017

Ms. Anderson pointed out that on Page 9, X.C. should be Capt. O'Sullivan.

Chief Bryson, with a second by Mr. Tharan, made a motion to approve the minutes from 12/14/17, with the noted correction. The motion was carried.

III. New Commissions

Ms. Anderson requested that the Board approve the following New Commissions in various groups as some individuals are still in need of taking some courses/tests and the missing documentation will be listed under their name in the minutes. The Board agreed. Per the Board's prior request, all Constable Entities will be notified of any traffic charges as the constables will be driving their entity's vehicles.

A. A.I. DuPont Hospital for Children

1. Patrick G. Crowell

Chief Bryson, with a second by Lt. Col. Hudson, made a motion to approve A.1, as presented, for new Constable Commission. The motion was carried.

2. Mark D. Perloff
 - Constable Orientation Overview
 - In Progress

Lt. Col. Hudson, with a second by Mr. Tharan, made a motion to approve A.2 for new Constable Commission – pending. The motion was carried.

B. Christiana Care Health System

1. Jordan L. New
 - Letter of Intent to Hire
 - Five Letters of Reference
 - MMPI/PAI or Waiver
 - Proof of Experience or Appearance before Board
 - Constable Orientation Overview or Waiver
 - Constable Exam or Waiver

B.1 is tabled until after the next Board meeting.

2. Jesse D. O'Neill
 - Letter of Intent to Hire
 - Five Letters of Reference
 - Proof of Experience or Appearance before Board
 - Constable Orientation Overview or Waiver
 - Constable Exam or Waiver

B.2 is tabled until after the next Board meeting.

3. Christian D. Stamm
 - Letter of Intent to Hire
 - Board Decision on In-Service from 2017
 - Registered/paid on 08/03/17 – never took In-Service
 - Resigned from CCHS on 10/02/17

Lt. Colonel Hudson, with a second by Chief Bryson, made a motion to approve B.3 for new Constable Commission pending the Letter of Intent to Hire be received by Professional Licensing Office, but also the 2018 In-Service be taken on-line by 08/15/18. The motion was carried.

4. Todd M. Wiant
 - Letter of Intent to Hire
 - Five Letters of Reference
 - Proof of Experience or Appearance before Board
 - Constable Orientation Overview or Waiver
 - Constable Exam or Waiver

B.4 is tabled until after the next Board meeting.

C. Colonial School District

1. Carl D. Bond, Jr.

Chief Bryson, with a second by Mr. Tharan, made a motion to approve C.1, as presented, for new Constable Commission. The motion was carried.

2. Jamie C. Rogers

- Pending Retirement from NC City on 07/27/18

Chief Bryson, with a second by Mr. Tharan, made a motion to approve C.2 for new Constable Commission on July 28, 2018. The motion was carried.

D. Delaware Metropolitan Transit Authority

1. Brian J. Heath

Chief Bryson, with a second by Lt. Col. Hudson, made a motion to approve D.1, as presented, for new Constable Commission. The motion was carried.

E. Delaware Technical Community College

1. Gregory D. Kies

- Constable Orientation Overview

Mr. Tharan, with a second by Chief Bryson, made a motion to approve E.1 for new Constable Commission – pending. The motion was carried.

F. Red Clay Consolidated School District

1. John G. Selvaggi (*Exhibit III.F.1.*)

- ~~MMPI/PAI~~ or Waiver
- Experience or Appearance at Board Meeting
 - Waived
- Constable Orientation Overview ~~or Waiver~~
- Constable Exam ~~or Waiver~~

Lt. Colonel Hudson, with a second by Mr. Tharan, made a motion to approve F.1 for new Constable Commission – pending. The motion was carried.

G. RI International

1. Courtney J. Hutt (*Exhibit III.G.1.*)

- ~~MMPI/PAI or Waiver~~
- Experience or Appearance at Board Meeting
 - Criminal Law Course
- Constable Orientation Overview ~~or Waiver~~

- Constable Exam ~~or Waiver~~

Mr. Tharan, with a second by Chief Bryson, made a motion to approve G.1 for new Constable Commission – pending. The motion was carried.

Mr. Hutt left @ 1030

- H. Sussex County Council Sheriff's Office
 - 1. Thomas E. Lee
 - Constable Orientation Overview

Chief Bryson, with a second by Mr. Tharan, made a motion to approve H.1 for new Constable Commission – pending. The motion was carried.

Mr. Hale arrived @ 1031

- ***I. Wilmington University***
 - Department of Safety
 - 1. James J. Danz (*Exhibit III.I.1.*)
 - Review Experience – need Academy?
 - Available for Conference Call

After discussion, Chief Bryson, with a second by Mr. Tharan, made a motion to waive the Constable Academy for Mr. Danz when he applies for constable position with Wilmington University. The motion was carried.

IV. New Entities

Ms. Anderson informed the Board that the new entities had submitted letters requesting the Board's approval for Constable Positions. Everyone has been notified, via email, of today's Board meeting.

- A. Brandywine School District (*Exhibit IV. A.*)

This entity is tabled as no one is available for questioning by the Board.

- B. P.T.S. Constable Agency (*Exhibit IV. B.*)

Mr. Michael Fontello presented his case, to the Board, for constable positions to be used for transportation of mental health patients. This is just one task that can be done by an outside entity to aid in the relief of the law enforcement agencies from having to transport these individuals. He also wants to be able to be hired out by the Private and Catholic schools, to provide them with constables, such as the other school districts have started doing.

Lt. Colonel Hudson asked about him and his partner, Mr. Monahan, being owners of security guard and private investigative agencies. This would be a conflict of interest and how would one be able to separate themselves from a security guard to a constable. Mr. Fontello stated that he and Mr. Monahan would just be the owners of the constable entity and not become constables.

After further discussion, it was determined that the decision on this entity will be tabled until the July 2018 meeting so that legal advice may be obtained from DAG Mims.

C. POLYTECH School District (*Exhibit IV. C.*)

Mr. Mark Dufendach gave some background on POLYTECH in that there is only one Campus, in Woodside. There is a School Resource Officer (SRO) from Delaware State Police at the school right now. They have over 400,000 square foot of buildings and offer adult education along with the high school population.

At this point, they would like to have one full time constable with a back-up to fill in when needed. More constables may be considered at a later time, when the cost is feasible. The idea of having constables has been discussed with the SRO and is supportive of the idea.

Chief Bryson, with a second by Lt. Colonel Hudson, made a motion to approve POLYTECH School District for Constable Positions. The motion was carried.

1. G. Michael Harmon
2. Matthew G. Harmon
 - Dual Commission with RI International

Chief Bryson, with a second by Mr. Tharan, made a motion to approve C.1-2, as presented, for new Constable Commissions. The motion was carried.

D. Sussex Academy of Arts & Sciences, Inc. (*Exhibit IV. D.*)

Mr. Martin Cosgrove briefed the Board about the Sussex Academy of Arts & Sciences School. They only have middle & high school students totaling about 800 with approximately 200,000 square footage. They have a swimming pool that is open to the public.

Their potential constable is a former SRO, but they do not, and have not, had an SRO. The constable position would be a great asset to the protection of the students, faculty, and staff.

Chief Bryson, with a second by Lt. Colonel Hudson, made a motion to approve Sussex Academy of Arts & Sciences, Inc. for Constable Positions. The motion was carried.

1. Mark J. Albert
 - Constable Orientation Overview

Chief Bryson, with a second by Mr. Tharan, made a motion to approve D.1 for new Constable Commission – pending. The motion was carried.

Mr. Cosgrove left @ 1052

Mr. Albert left @ 1052

E. Wesley College Inc. (*Exhibit IV. E.*)

Ms. Belinda Burke explained to the Board that the Public Safety Department, Mr. Walt Beaupre, answers directly to her office. There are currently 12 fulltime public safety officers covering the college 24/7, with three shifts. This would also aid Dover PD when there is an on-campus issue.

Mr. Beaupre spoke that there are approximately 1400 students at Wesley during the school year with six dorm halls that have the ability to house about 1000 of those students, with a few hundred faculty and staff. Wesley is spread over 50 acres, with other facilities away from the main campus, throughout the city of Dover. Having constables would improve the protection for everyone on the campus.

The current staff is unarmed, however, they would like to arm the constables.

Chief Bryson, with a second by Mr. Tharan, made a motion to approve Wesley College Inc. for Constable Positions. The motion was carried.

1. Walter F. Beaupre, Jr. (*Exhibit IV. E. 1.*)
 - MMPI/PAI ~~or Waiver~~
 - Experience or Appearance at Board Meeting
 - Laws of Arrest
 - Constitutional Law
 - Use of Force
 - Delaware Criminal Code
 - ~~Constable Orientation Overview or Waiver~~
 - Constable Exam ~~or Waiver~~

After discussion it was determined that Mr. Beaupre must comply with the above requirements.

Chief Bryson, with a second by Mr. Tharan, made a motion to approve E.1 for new Constable Commission – pending. The motion was carried.

2. Angela Fowler
 - No Experience provided
 - MMPI/PAI ~~or Waiver~~
 - Experience or Appearance at Board Meeting
 - Constable Academy

- ~~Constable Orientation Overview or Waiver~~
- ~~Constable Exam or Waiver~~

After discussion it was determined that Ms. Fowler must attend the Constable Academy and then will be presented at the July 2018 Board Meeting for approval.

3. Erika L. Hodges-Baines (*Exhibit IV. E. 3.*)
 - ~~MMPI/PAI or Waiver~~
 - Experience or Appearance at Board Meeting
 - Laws of Arrest
 - Constitutional Law
 - Use of Force
 - Delaware Criminal Code
 - ~~Constable Orientation Overview or Waiver~~
 - ~~Constable Exam or Waiver~~

Ms. Hodges-Baines was contacted via public service, placed on speaker phone, and was questioned about her experience by the Board.

After discussion it was determined that Ms. Hodges-Baines must comply with the above requirements and provide documentation from the New York Department of Corrections with her hire date, retire date, and that she left in good standing.

Mr. Tharan, with a second by Chief Bryson, made a motion to approve E.3 for new Constable Commission – pending. The motion was carried.

4. Michael J. McGee (*Exhibit IV. E. 4.*)
 - Traffic Charges
 - ~~MMPI/PAI or Waiver~~
 - Experience or Appearance at Board Meeting
 - Waived
 - ~~Constable Orientation Overview or Waiver~~
 - ~~Constable Exam or Waiver~~

Mr. McGhee gave the Board a shortened version of his varied background within Delaware law enforcement agencies.

After discussion it was determined that Mr. McGee must comply with the above requirements.

Chief Bryson, with a second by Mr. Tharan, made a motion to approve E.4 for new Constable Commission – pending. The motion was carried.

5. Erik W. Sasse
 - Prior Constable
 - MMPI/PAI
 - Constable Exam

After discussion it was determined that Mr. Sasse must comply with the above requirements.

Chief Bryson, with a second by Mr. Tharan, made a motion to approve E.5 for new Constable Commission – pending. The motion was carried.

6. Lloyd L. Stafford (*Exhibit IV. E. 6.*)
 - Traffic Charges
 - 06/03/08 – USM Wilmington – Possession of Weapon – Not Yet Disposed
 - 08/14/08 – USM Wilmington – Possession of Weapon – Not Yet Disposed
 - MMPI/PAI ~~or Waiver~~
 - Experience or Appearance at Board Meeting
 - Constable Academy
 - ~~Constable Orientation Overview or Waiver~~
 - Constable Exam ~~or Waiver~~

Mr. Stafford was asked to explain his arrests in 2008. He owned a business from 2006 – 2009 in the Rodney Village Shopping Center, Dover and had the small firearm for his protection as there were numerous burglaries/robberies at that time. He had to go to a bankruptcy meeting and did not secure the firearm at his home and he accidentally took his firearm into the court building with him. Charges were dismissed as it was recognized that the firearm was for self-protection due to being a business owner.

Professional Licensing is to research these charges and obtain a final disposition.

After discussion it was determined that Mr. Stafford must attend the Constable Academy and then will be presented at the July 2018 Board Meeting for approval.

Mr. Beaupre left @ 1129
Ms. Fowler left @ 1129
Mr. McGee left @ 1129
Ms. Schalk left @ 1129
Ms. Burke left @ 1129
Mr. Stafford left @ 1129

- V. Terminations/Resignations
 - A. A.I. DuPont Hospital for Children
 1. Francis M. Meriggi

- B. Christiana Care Health System
 - 1. Mark K. Blair
 - 2. Scott M. Galbreath, Jr.
 - 3. Marvin L. Hackett
- C. Indian River School District
 - 1. Frank L. Wesley
- D. RI International
 - 1. Keita W. Bowles

Ms. Anderson informed the Board that V.A. – D, inclusive, is for informational purposes only. No vote necessary.

Mr. Hale left @ 1131

VI. Issues/Concerns/FYI

- A. A.I. DuPont Hospital for Children
 - 1. Paul A. Chickadel

Ms. Anderson informed the Board that Professional Licensing has not received Mr. Chickadel's Constable Orientation Overview Certificate. Mr. Ellingsworth will send to Ms. Anderson as soon as possible.

- B. Capital School District
 - 1. Darryl E. Simmons

Ms. Anderson informed the Board that the Constable Orientation Overview Certificate for Mr. Simmons verified the date of 01/02/18 for completion. This is for informational purposes only. No vote necessary.

VII. Rule 4.0 Badges & Vehicle Markings

- A. POLYTECH School District
 - 1. Badge (*Exhibit VII. A. 1.*)

Chief Bryson, with a second by Mr. Tharan, made a motion to approve A.1 as presented for POLYTECH School District. The motion was carried.

VIII. Rules & Regulations

- A. First Publication
 - 1. Rule 7.0 Conducted Electrical Weapon (CEW) (*Exhibit VIII. A. 1.*)

Lt. Reinbold explained to the Board that this rule was amended by the Weapons & Force Committee and that the Bail Enforcement Agent (BEA) Board has approved the

same rule with similar wording. However, the BEA's do not report to an agency/entity, they are licensed individually.

After discussion, it was determined that the entities that have constables that are CEW certified should be contacted regarding this rule and due to not having counsel present.

B. Final Publication

Ms. Anderson informed the Board that the following Rules were approved on 12/14/17 for First Publication, no comments were received during the Open Comment Period. With approval today, the rule will be final and effective on 07/11/18.

1. Rule 1.0 Licensing

Chief Bryson, with a second by Lt. Colonel Hudson, made a motion to approve Rule 1.0 for Final Publication. The motion was carried.

2. Rule 6.0 Baton, Inflammatory Agent Sprays, Chemical Sprays and Handcuffs

Chief Bryson, with a second by Mr. Tharan, made a motion to approve Rule 6.0 for Final Publication. The motion was carried.

3. Rule 8.0 Canine

Chief Bryson, with a second by Mr. Tharan, made a motion to approve Rule 3.0 for Final Publication. The motion was carried.

4. Rule 9.0 Minimum Training Standards and In-Service Training

Chief Bryson, with a second by Mr. Tharan, made a motion to approve Rule 9.0 for Final Publication. The motion was carried.

IX. Academy/In-Service

A. Constable Academy

Mr. Terranova informed the Board that the Constable Academy is 99% completed. Only minor final touches need to be made. The Academy will run from June 11, 2018 through July 11, 2018, at the DTCC Stanton Campus. The exam and graduation will be on July 12, 2018 and, as always, all Board Members are invited to attend. There will be a luncheon following the Graduation Ceremony.

The taping for the 2018 In-Service, on-line, will be done the first part of July and should be ready to go not much later than the end of July.

X. Old Business

A. Professional Licensing

The Professional Licensing Section did not have any Old Business at this time.

B. Board Members

The Board Members did not have any Old Business at this time.

C. Lieutenant Colonel

Lt. Colonel Hudson did not have any Old Business at this time.

XI. New Business

A. Professional Licensing

1. Oath of Office

Lt. Reinbold stated that it had been brought to his attention that the Oath of Office for the Constable Commissions may, or may not be, being completed by the individuals/entities. Professional Licensing will be requesting proof of the Oath (Notary) and that they are recorded at the Recorder of Deeds be provided to the office, once completed.

Mr. Winstead stated that the Sussex County Recorder of Deeds told him that they did not need to be recorded. Yet, in Kent County they will record them.

Title 30 of the Delaware Code states that anyone in a Public Office must have their commission sworn to and recorded. They should be recorded in the County where their main location of employment is, not their residence. The commissions will be revised to reflect this change.

B. Board Members

The Board members did not have any New Business at this time.

C. Lieutenant Colonel

Lt. Colonel Hudson did not have any New Business at this time.

XII. Public Comment (At the discretion of the Chair)

The Public did not have any comments at this time.

XIII. Adjournment

A. Next Meeting

1. Wednesday, July 18, 2018 @ 10:30am

Chief Bryson, with a second by Mr. Tharan, made a motion to adjourn the meeting at 1142 hours. The motion was carried.